

APR 26 2004

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### FACSIMILE COMMUNICATION COVERSHEET

DATE: April 26, 2004

CLIENT NO.: 14363

FACSIMILE NO. 10/705,304 R 27 2004

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**TO:** MAIL STOP FEE AMENDMENT – Art Unit 2832  
 Assistant Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

**FROM:** Charles L. Thoeming

**NO. OF PAGES:** (including this coversheet) Ten (10)

**COMMENTS:**

Provided hereunder for pending U.S. non-provisional patent application serial no. 10/705,304 are: (1) Facsimile Communication Coversheet; (2) Transmittal Form -- PTO/SB/21; (3) Response and Amendment to First Office Action under 37 C.F.R. § 1.116 (2 pages); (4) Fee Transmittal [O + 1]; (5) PTO-2038; and (6) Declaration Submitted After Initial Filing (3 pages), for a total of ten (10) pages in this submission.

Respectfully submitted,  
 Charles L. Thoeming  
 Reg. No. 43,951

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925-9371529

P.2

PTO/SB/21 (02-04)

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## TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	10/705,304
Filing Date	11/10/2003
First Named Inventor	CHRISTOPHER BILLINGS
Art Unit	2832
Examiner Name	KYUNG S. LEE
Total Number of Pages In This Submission	10
Attorney Docket Number	61003

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks 1) PTO-2038; 2) FACSIMILE COVERSHEET		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	CHARLES L. THOEMING
Signature	
Date	04/26/2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	CHARLES L. THOEMING
Signature	
Date	04/26/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 26 2004

Practitioner's Docket No. 61003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of: Billings, Christopher, et al.

Application No.: 10/705,304

Art Unit: 2832

Filed: 11/10/2003

Examiner: Kyung S. Lee

For: Cluster Assembly

AMENDMENT UNDER 37 CFR §1.116

MAIL STOP FEE AMENDMENT  
Assistant Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed 04/22/2004,  
amendment of this application as set forth below is requested.

Declaration:

The Examiner objected to the oath or declaration as filed.  
Submitted herewith is a corrected oath or declaration properly  
reflecting the second through fourth inventors as such, and the  
required fee under 37 CFR § 1.16(e).

REMARKS

The Patent and Trademark Final Office Action mailed 04/22/2004  
has been carefully considered. The Examiner's objection to the  
declaration is noted.

Applicant has amended the declaration as required by the

Examiner.

In view of the above, it is submitted that this application is in condition for allowance. Reconsideration and withdrawal of the objection as to the declaration is hereby respectfully requested.

Dated: April 26, 2004.

Respectfully submitted,

Charles L. Thoeming

Charles L. Thoeming  
Registration No. 43,951  
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ATTORNEYS FOR APPLICANT

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Charles L. Thoeming, Registered  
Representative of Applicant

Charles L. Thoeming  
Signature

April 26, 2004  
Date of Signature

APR 26 2004

PATENT OFFICE

SC163

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

## Complete if Known

Application Number	10/705,304
Filing Date	11/10/2003
First Named Inventor	CHRISTOPHER BILLINGS
Examiner Name	KYUNG S. LEE
Art Unit	2832
Attorney Docket No.	61003

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

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Deposit Account Name	

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## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

SUBTOTAL (1) (\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3*** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00)

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Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	CHARLES L. THOEMING	Registration No. (Attorney/Agent)	43,951	Telephone	925.933.1515
Signature	<i>charles l. thoeming</i>			Date	04/26/2004

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Attorney Docket No.	61003

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<input type="checkbox"/> Deposit Account:				
Deposit Account Number	<input type="text"/>			
Deposit Account Name	<input type="text"/>			

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Independent Claims	- 3** =	<input type="text"/>	<input type="text"/>
Multiple Dependent		<input type="text"/>	<input type="text"/>

Large Entity	Small Entity	Fee Description
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\*\*or number previously paid, if greater; For Reissues, see above

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

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